

Exhibit 509

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Case No.
1:23-cv-02508-NRB

18 VIDEOTAPED DEPOSITION UNDER ORAL EXAMINATION OF

MATTHEW STEIN

DATE: May 9, 2024

25 REPORTED BY: CHARLENE FRIEDMAN, CCR, RPR, CRR

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1 VIDEO OPERATOR: Here begins media
2 number 1 in the deposition of Matthew Stein.

3 Today's date is May 9, 2024, and
4 the time is 9:40 a.m. Eastern Time.

5 This deposition is being taken at
6 Hughes Hubbard.

7 I'm Richard Morales, the
8 videographer, and the court reporter is
9 Charlene Friedman, from Gregory Edwards, LLC.

10 All counsel have been noted on the
11 stenographic record.

12 Will the court reporter please
13 swear in the witness.

14

15 M A T T H E W S T E I N,

16 called as a witness, having been first duly
17 sworn according to law, testifies as follows:

18

19 MR. LEVY: Can I ask the
20 videographer to identify those who are
21 present remotely?

22 Thank you.

23 VIDEO OPERATOR: Yes.

24 There is -- I don't know about the
25 firms, but there's AC Egholm. There's Dustin

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1 or -- on -- on S□IK's faces. Oh, what --
2 what agreement? We don't know anything about
3 that.

4 Q So you observed a look of surprise
5 on their faces about the fact that there even
6 was a settlement agreement?

7 A Yes. I don't know that I could --
8 let me -- I wouldn't go that far. I -- I --
9 I think -- yeah, that was the -- that --
10 that -- that's not what the surprise. The
11 surprise was about not knowing anything
12 about the details of the-- about not having
13 the agreement, not really understanding the
14 agreement, not -- not really -- I think -- I
15 think they knew about the -- I mean, yeah.

16 I think they knew about the
17 agreement. I was surprised that they didn't
18 have the agreement, that they didn't
19 understand the details of the agreement and
20 that they didn't -- they didn't -- that they
21 didn't have the knowledge that they should
22 have had, had Skat complied with its
23 contractual obligation.

24 Q So I will hand you what we'll mark
25 as Exhibit 3.

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(Above-mentioned document marked
for Identification.)

3 (Brief pause in proceedings.)

4 Q Exhibit 3 has the Bates range Stein
5 Lhote 9749 through 9846, which appears to be
6 a transcript of your interview with S IK.

7 (Witness reviewing.)

8 A This is just mine?

9 Q Yes.

10 A Okay, because you said Mr. Lhote.

11 Q If you look at the first page, it
12 says, "Record of Interrogation Accused," and
13 then it -- it has your name under
14 "Interrogation Of."

15 Do you see that?

16 A Where?

17 Q On the first page, do you see right
18 in the middle --

19 A Oh, interrogation of me, yeah.

20 Q Yes.

21 Did you have a chance to review
22 this after the interview itself?

23 A I haven't really reviewed it, no.

24 Q Okay. If you look at page 2, at
25 the top there's a section called

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1 "Formalities."

2 And do you see in the middle of
3 that, it says, "The interrogated was informed
4 that he will be able to read and sign his
5 statement. The interrogated was informed
6 that he was under no obligation to sign his
7 statement. The interrogated wanted to read
8 his statement."

9 Do you recall informing S□IK at the
10 outset that you wanted to read this?

11 A I don't recall that. I obviously
12 did.

13 Q Do you recall actually reading the
14 statement whenever it was that they provided
15 it to you?

16 A Reading the statement? So I -- no.
17 That statement?

18 Q Meaning this interview.

19 A Oh, got you.

20 Do I recall reading it when it was
21 given to me?

22 Q Yes.

23 A No, I don't.

24 Q So during the interrogation with
25 S□IK, when you were under the impression they

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1 were not familiar with the terms of the
2 settlement agreement, did you instruct anyone
3 to provide S□IK with the settlement
4 agreement?

5 A My recollection is that it wasn't
6 just the settlement agreement. It was, Hey,
7 did -- did they put in a good word for us
8 like they were supposed to, you know, do all
9 the things they were supposed to do in the --
10 in the settlement agreement.

11 It wasn't just showing them the
12 agreement. It wasn't a notice provision. It
13 was a -- it was a, Hey, these guys are doing
14 what they can to help us, provision.

15 So it was more about, whoa, they
16 didn't do what they were supposed -- they
17 didn't do what they said they were going to
18 do. That was -- that was the tenor of the
19 reaction.

20 It wasn't just, Hey, do you have
21 the agreement. I think them not having the
22 agreement, it was like, whoa, they don't even
23 have the agreement.

24 Q When you -- when that was your
25 impression during the interview, did you

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1 that a true statement at the time?

2 A I don't remember.

3 Q Did there come a time when you
4 personally stopped being committed to
5 continuing your work to ensure full payment
6 of the net proceeds to Skat?

7 MR. LEVY: Objection. It assumes
8 facts not in evidence.

9 You may answer.

10 A What was the question?

11 Q Did there come a time when you
12 personally stopped being committed to
13 continuing your work to ensure full repayment
14 of the net proceeds to Skat?

15 MR. LEVY: Same objection.

16 A Yes.

17 Q When was that?

18 A Sitting here today, I don't think I
19 can tell you.

20 Q Okay. If you look at the last wire
21 transfer record in Exhibit 7, it's dated
22 April 19, 2022.

23 Did there come a time where you
24 decided you would no longer make further
25 payments to Skat?

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1 A Yes.

2 Q And do you recall approximately
3 when that was?

4 A No.

5 Q Why did you decide to no longer
6 make further payments to Skat?

7 A Because they didn't comply with
8 their contractual obligation.

9 Q Was there a period of time after
10 the settlement agreement was signed that you,
11 Mr. Lhote and Mr. McGee provided to Skat
12 quarterly reports of your efforts to settle
13 certain illiquid assets?

14 A Yes.

15 Q Do you recall during what period of
16 time you did that?

17 A No.

18 Do you have -- I mean, you have the
19 letters. We sent them to you.

20 MR. WEINSTEIN: So let's mark as
21 Exhibit 9 -- I do know we've skipped 8, I
22 understand that, just for the record.

23 (Above-mentioned document marked
24 for Identification.)

25 Q I'm going to hand you a document

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1 Q Okay. If you turn now back to what
2 was Exhibit 10B, which is attached to 10A.

3 A That's the Confession of Judgment?

4 Q Yes.

5 MR. LEVY: 10B?

6 MR. WEINSTEIN: 10B, yes.

7 A No coffee stains.

8 MR. WEINSTEIN: Delivered two years
9 later.

10 MR. LEVY: But you're still
11 drinking coffee.

12 THE WITNESS: We should frame it
13 because it's probably the only mistake that
14 Ralph Levine has ever made in his entire
15 life.

16 Q Exhibit 10B, is that the updated
17 Affidavit of Confession of Judgment that you
18 signed?

19 A Yes.

20 Q You signed that on June 10th of
21 2021?

22 A Yes.

23 Q Did you sign that pursuant to the
24 May 2019 settlement agreement?

25 A Yes.

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1 Q At the time you signed the updated
2 affidavit in June of 2021, did you believe
3 that it was enforceable?

4 A I don't remember what I believed.

5 Q Do you recall having a belief that
6 when you signed it, it was a meaningless
7 piece of paper?

8 A I don't remember.

9 Q As part of the settlement
10 agreement, are you aware of provisions where
11 there would be a calculation of net proceeds?

12 A I'm sorry, could you repeat the
13 question?

14 Q Sure.

15 I'm just asking generally, not for
16 the details of it, but generally, you recall
17 that under the settlement agreement, there
18 was a -- going to be a process for
19 calculating what we defined as the net
20 proceeds, which would be the amount of the
21 settlement itself?

22 Do you recall that?

23 A Yes.

24 Q And that process was for the
25 settling parties to account for how much they